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Promotion and protection of human rights**Letter dated 14 October 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General**

I have the honour to convey to you information on the guarantees of electoral rights and responsibilities in Uzbekistan (see annex).

I would appreciate if you could circulate the attached information as a document of the General Assembly, under agenda item 68.

(Signed) Ildar Shigabudinov
Chargé d'affaires a.i.



Annex to the letter dated 14 October 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Guarantees of electoral rights and liability in Uzbekistan

Since its independence, Uzbekistan has established an electoral system that is responsive to the needs of democracy today in the context of the liberalization and modernization of every aspect of national life. A legal framework has been put in place which guarantees that citizens can freely express their will in accordance with generally recognized international norms and principles, and that every citizen has the right to vote and be elected to representative bodies of State authority. Legal mechanisms have been created to ensure openness and transparency in the electoral process. Also noteworthy is that national electoral legislation is constantly being improved.

The adoption in 2014 of the Act amending and supplementing specific articles of the Constitution of the Republic of Uzbekistan (articles 32, 78, 93, 98, 103 and 117) was the logical continuation of the democratic renewal and modernization under way in the country. On the basis of the amendments to the Constitution, the national parliament also amended and supplemented a number of laws with a view to improving them.

In particular, the Administrative Liability Code was supplemented by a new chapter VI "Administrative liability for offences related to organizing and conducting elections and referendums", which consists of eight articles.

A clear definition of liability for offences involving non-compliance with electoral legislation contributes to the fuller enjoyment of the principle of freedom of choice, promotes further democratization of the national electoral system and helps to strengthen the principles of openness and transparency.

Under the Administrative Liability Code, grounds for prosecution include violating the rights of a parliamentary or presidential candidate of the Republic of Uzbekistan, or an agent, observer or authorized representative of a political party, and violating the conditions and procedures for election campaigning and canvassing on referendum issues. Acts related to knowingly publishing false information about a candidate or political party in order to influence the outcome of an election also entail the application of administrative liability measures.

In accordance with electoral legislation, the electoral commissions, within their mandates, are independent from State agencies, civic associations, political parties and officials. Autonomy in the activities of the electoral commissions is very important in order for elections to be held based on the principles of legality and justice, with a level playing field for all participants. Non-compliance with these principles in practice could cause serious damage to the democratic nature of elections.

Interference in the work of the electoral commissions entails the imposition of administrative liability measures against the officials involved. Such an offence

occurs when an official, taking advantage of his or her official position, tries to encourage an electoral commission to take, or not to take, a particular decision.

Decisions taken within the powers of the Central Electoral Commission are binding on district and local electoral commissions, government agencies, political parties and other non-governmental organizations, enterprises, institutions and organizations. Similarly, decisions by provincial, regional and municipal electoral commissions, taken within the limits of their authority, are binding on subordinate electoral commissions and on all government agencies, political parties and other civic associations, and on labour collectives and military units, heads of enterprises, institutions and organizations.

Officials who fail to comply with the decisions of electoral commissions, when taken within the limits of their authority, are subject to administrative liability. Here, attention is drawn to the fact that administrative liability arises as a result of non-compliance with decisions of electoral commissions that have been taken within the scope of their authority, and with decisions related to the organization of elections.

Pursuant to article 513 of the Administrative Liability Code, officials shall also be prosecuted for unlawful refusal to consider requests from electoral commissions and for non-compliance with the time limits without good reason.

National legislation also provides administrative liability for violating the rights of a parliamentary or presidential candidate of the Republic of Uzbekistan, or an agent, observer or authorized representative of a political party specifically involved in the electoral process.

A failure to establish equal conditions when providing facilities for meetings with voters is also considered a violation of the rights of a registered candidate, agent, observer or authorized representative of a political party. This is the basis on which the aforementioned measures of administrative liability are applied.

Election campaigning which involves providing voters with goods or services (except information) free of charge or on preferential terms, or with cash payments, is strictly prohibited. This requirement is based on universally recognized international standards for democratic elections and is reflected in national electoral legislation. In particular, this norm is contained in article 28 of the Presidential Elections Act.

It is also prohibited to publish or otherwise knowingly distribute false information about a parliamentary or presidential candidate of the Republic of Uzbekistan, or about a political party, in order to influence the outcome of the elections. Such cases distract voters and impede the full expression of their will by depriving them of the right to receive reliable information.

The deliberate destruction or damage of information and campaign materials is considered a form of unhealthy competition. These actions target not only a specific parliamentary or presidential candidate of the Republic of Uzbekistan, or political party, but also impede the free exercise by citizens of their electoral rights. Destroying or damaging campaign materials by recording over them, drawing or painting on them, or making distracting and misleading corrections to their texts therefore results in administrative liability.

On 7 October 2016, in order to prevent offences in the organization and conduct of elections, the Central Electoral Commission approved best practices for processing administrative procedures involving offences in the organization and conduct of elections and referendums. Accordingly, where administrative offences are identified, a report may be compiled by members of the Central Electoral Commission and members of the respective district electoral commissions. The report shall be based on statements by observers from political parties participating in the elections; authorized representatives and agents of candidates; requests from local electoral commissions; statements by citizens; and information from enterprises, institutions, organizations, civic associations, officials and the media.

If offences are committed by members of an electoral commission, the report shall be compiled by members of a higher electoral commission. The report, together with other documents and material evidence in the case, shall be submitted by its author to the district (municipal) criminal court within 24 hours from the time the offence was committed or identified.

It should be noted that the right to vote and stand for election is one of the most important political rights of citizens. This is also protected by criminal legislation. Individuals who obstruct, by violence, deception, threats or otherwise, the exercise by citizens of the right to vote, to stand for election or to conduct an electoral campaign are held liable under the law, as are members of electoral commissions and other officials and representatives of political parties who have forged electoral documents, deliberately counted votes incorrectly, violated the secrecy of the ballot or committed other violations of electoral legislation.

Criminal liability for electoral offences is defined in articles 146 and 147 of the Criminal Code of the Republic of Uzbekistan. Accordingly, violating laws on the organization and conduct of elections or referendums, obstructing the enjoyment of electoral rights or impeding the authority of official agents are acts that entail criminal liability. In addition, criminal liability arises from the commission of acts such as obstructing by violence, threats, deceit or bribery, the free exercise by citizens of the right to vote or stand for election; or obstructing official agents of parliamentary or presidential candidates of the Republic of Uzbekistan from exercising their powers.

It should be emphasized that many developed countries have established criminal liability for electoral offences. Their legislation criminalizes acts such as obstructing the holding of elections by violence or threats, the forgery of electoral documents, violating the secrecy of the ballot and obstructing the exercise of electoral rights. Analysis shows that the standards governing criminal liability for electoral offences in Uzbekistan are based on universally recognized norms of international law and are similar to the legislative provisions of developed democratic States.

Establishing liability for electoral offences therefore contributes to the fuller enjoyment of the principle of freedom of choice, promotes further democratization of the national electoral system and helps to strengthen the principles of openness and transparency.